

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Louis S. Crocker , et al.

Serial No. To be assigned

Filed: September 12, 2003

For: Polymorphic, Amorphous and Hydrated Forms
of 5-Chloro-3(4-Methanesulfonylphenyl)-6'-
Methyl-[2,3]Bipyridinyl

Art Unit: _____

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

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MERCK & CO., INC.

By _____ Date _____

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE
10/342,379	January 14, 2003	20163CA
10/180,399	June 26, 2002	20163DA
09/724,522	November 28, 2000	20163

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)



the attached information is filed within three months of the filing date of the captioned case.



the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.



the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).

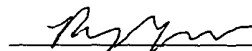


the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.



the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Raynard Yuro

Attorney _____ For Applicant(s)

Reg. No. 45570

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-0182

Date: September 12, 2003

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

(use as many sheets as necessary)

COMPLETE IF KNOWN

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				COMPLETE IF KNOWN	
				Application Number	TO BE ASSIGNED
				Filing Date	June 26, 2002
				First Named Inventor	Sophie D. Clas, et al.
				Group Art Unit	
				Examiner Name	
Sheet	1	of	2	Attorney Docket Number	20163DACB

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number Kind Code (if known)		
			WO 98/03484	Daniel Dube, et al.	01/29/1998
			WO 01/92230	Louis S. Crocker, et al.	12/06/2001
			WO 99/55830	Edward G. Corley, et al.	11/04/1999
			WO 02/096877 A1	Louis S. Crocker, et al.	05/12/2002

Examiner
Signature

Date
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				COMPLETE IF KNOWN	
				Application Number	TO BE ASSIGNED
				Filing Date	June 26, 2002
				First Named Inventor	Sophie D. Clas, et al.
				Group Art Unit	
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	20163DACB

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	AA	R.W. Friesen, et al., Bioorganic & Medicinal Chemistry Letters, (1998), Vol. 8, No. 19, pp. 2777-2782
	AB	Jean-Francois Marcoux, et al., J. Org. Chem., (2001), Vol. 66, No. 12, pp. 4194-4199
	AC	Ian W. Davies, et al., J. Org. Chem., (2000), Vol. 65, No. 25, pp. 8415-8420
	AD	Jean-Francois Marcoux, et al., Organic Letters, (2000), Vol. 2, No. 15, pp. 2339-2341
	AE	Ian W. Davies, et al., J. Org. Chem., (2000), Vol. 65, No. 15, pp. 4571-4574
	AF	Biles, J.A., Journal of Pharmaceutical Sciences, Vol. 51, No. 7, pp. 601-617, 1962
	AG	Haleblian, et al., Journal of Pharmaceutical Sciences, Vol. 58, No. 8, pp. 911-929, August 1969 /
	AH	Khoshkhoo, et al., Journal of Physics D., Vol. 26, No. 8B, pp. B90-B93, August 1993

Examiner Signature		Date Considered	
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